

Other than our people and our values, our Nation's environment and natural resources are our greatest asset. We in Utah understand that better than most.

And in spite of what some critics of President Bush would have us believe, our Nation has been steadily getting cleaner and safer every year of his presidency. Already, President Bush has signed the Persistent Organic Pollutants Treaty. He has proposed and begun implementing ground breaking legislation to greatly accelerate the clean up of our Nation's brownfield sites. He has announced his plan to reduce off-road diesel emissions by 90 percent.

Although his critics refuse to believe it, President Bush's Clear Skies initiative will, in fact, lead to quicker reductions in air pollution across the board than would otherwise be accomplished. Under President Bush, powerplants will be updated and become cleaner than ever before. Under President Bush our forests and other natural resources will become better managed, and the threat of forest fires will be reduced—something that has not been done in the past.

Most important, our President is accomplishing these environmental goals without a dramatic increase in Federal mandates. He is doing it without pitting the environment against human needs. He is doing it without pinning the "polluter" label on our industry, as the past administration was so apt to do. President Bush has shifted the environmental debate from one about process and control to one about outcomes and results.

Governor Leavitt has a similar record for improving the environment in Utah. Before Governor Leavitt came to office, Utah often failed to meet national clean air standards. In large part this was because most Utahns live on a valley floor surrounded by mountains. Through hard work and consensus building, though, Governor Leavitt helped Utah to overcome our air quality obstacles, and our State now is in consistent compliance with the EPA's air quality standards.

Governor Leavitt also has been a leader in finding solutions to regional air problems. He helped to begin the Grand Canyon Visibility Transport Commission and the Western Regional Air Partnership, which established a wide sweeping collaborative approach to reducing haze over our national parks and public lands on the Colorado Plateau.

When Governor Leavitt took office, about 60 percent of Utah's streams met Federal water quality standards. This represented the current national average for States. Under his leadership, though, 73 percent of Utah's streams now meet the Federal standards, which is well above the national average. With his oversight, Utah developed a collaborative approach to meeting the Concentrated Animal Feeding Operations regulations. His approach was so

successful that the U.S. Department of Agriculture has adopted it as a model.

Governor Leavitt has also led initiatives in our State to preserve our open space, improve fisheries, upgrade sewer systems, and clean up 5,000 underground gas storage tanks, thus preventing their contamination of Utah's water supply. Thanks to Governor Leavitt's careful stewardship, Utah's natural resources have not only survived a period of intense economic and population growth but have been improved across the board.

Is it any wonder that President Bush looks to Governor Leavitt to lead the charge on this very important front, when the Governor has so successfully pursued a collaborative approach to improving the environment?

To anyone who questions Michael Leavitt's commitment, I say: Look at the record; it speaks for itself. We can also look at Utah's budget during his administration.

In his 10 years as Governor, Mike Leavitt won a 41 percent increase in spending on environmental protection, and that's after adjusting for inflation. According to the Environmental Council of States, the average per capita spending on the environment is \$51.80. Under Michael Leavitt, however, Utah surpassed that average, spending \$62.31 per capita on the environment. The average State spends about 1.4 percent of its budget on the environment. Under Governor Leavitt's leadership, Utah now spends 2 percent of its budget on the environment.

The record proves that Governor Leavitt is a champion of the environment. But the record also informs us that he is one of the finest public managers in the Nation. The Governor has worked tirelessly for our State. Yet, he has found the time to serve as the chair of the Council of State Governors, the Republican Governors' Association, the Western Governors' Association, and the National Governors' Association. You don't get there without being one of the best, if not the best.

In 5 of Mike Leavitt's 10 years as Utah's chief executive, our State has been ranked the best managed State. USA Today recently called Utah the best fiscally managed State in the country. Even after the extremely tough financial times faced by our States in recent years, under Governor Leavitt, Utah has maintained its Triple A bond rating.

How could President Bush have found a better candidate to head up the Environmental Protection Agency? The answer is he couldn't have.

And how does holding up Michael Leavitt's nomination help our environment or our nation? We finally concluded it doesn't. The obvious answer is: it doesn't. Clearly, confirming this nominee is in the best interest of our environment and our Nation.

Finally, let me just say that I have known Mike Leavitt and his wonderful wife Jackie for nearly 30 years. No one

I know works harder, is more fair and honest, is more capable, and is more sincere than my good friend, the Governor of Utah. I urge my colleagues to join me in confirming Michael Leavitt to fill one of the most important jobs in government, the Administrator of the Environmental Protection Agency.

I thank all of those who are making this possible with an up-or-down vote tomorrow morning.

The PRESIDING OFFICER. All time has expired.

NOMINATION OF DALE S. FISCHER TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. The clerk will report the pending judicial nomination.

The legislative clerk read the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to speak in support of the nomination of Dale Susan Fischer for the U.S. District Court for the Central District of California.

Judge Fischer is a Harvard Law graduate. She was a practicing attorney for 17 years before her appointment to the Municipal Court of California, Los Angeles Judicial District, in 1997. Three years later, she became a judge of the Superior Court of California, Los Angeles County, where she currently sits.

Judge Fischer has more than 20 years of legal experience. She will be a fine addition to the Federal bench.

We are proud to support her nomination. I recommend that my colleagues vote in her favor.

Mr. LEAHY. Mr. President, with the judicial confirmation today, in less than 3 years' time, President George W. Bush has exceeded the number of judicial nominees confirmed for President Reagan in all 4 years of his first term in office. Senate Democrats have cooperated so that this President has now exceeded that record. Republicans acknowledge to be the "all-time champ" at appointing Federal judges. Since July 2001, despite the fact that the Senate majority has shifted twice, a total of 167 judicial nominations have been confirmed, including 29 circuit court appointments. One hundred judges were confirmed in the 17 months of the Democratic Senate majority and now 67 have been confirmed during the comparative time of the Republican majority.

One would think that the White House and the Republicans in the Senate would be heralding this landmark. One would think they would be congratulating themselves for putting more lifetime appointed judges on the Federal bench than President Reagan did in his entire first term and doing it in three-quarters of the time. But Republicans have a different partisan

message and this truth is not consistent with their efforts to mislead the American people into thinking that Democrats have obstructed judicial nominations.

Not only has President Bush been accorded more confirmations than President Reagan achieved during his entire first term, but he has also achieved more confirmations this year than in any of the 6 years that Republicans controlled the Senate when President Clinton was in office. Not once was President Clinton allowed 67 confirmations in a year when Republicans controlled the pace of confirmations. Despite the high numbers of vacancies and availability of highly qualified nominees, Republicans never cooperated with President Clinton to the extent Senate Democrats have. President Bush has appointed more lifetime circuit and district court judges in 10 months this year than President Clinton was allowed in 1995, 1996, 1997, 1998, 1999, or 2000.

Last year, the Democratic majority in the Senate proceeded to confirm 72 of President Bush's judicial nominees and was savagely attacked nonetheless. Likewise, in 1992, the last previous full year in which a Democratic Senate majority considered the nominees of a Republican President, 66 circuit and district court judges were confirmed. Historically, in the last year of an administration, consideration of nominations slows, the "Thurmond rule" is invoked and vacancies are left to the winner of the Presidential election. In 1992, Democrats proceeded to confirm 66 of President Bush's judicial nominees even though it was a Presidential election year. By contrast, in 1996, when Republicans controlled the pace for consideration of President Clinton's judicial nominees, only 17 judges were confirmed and not a single one of them was to a circuit court.

In fact, President Bush has now already appointed more judges in his third year in office than in the third year of the last five Presidential terms, including the most recent term when Republicans controlled the Senate and President Clinton was leading the country to historic economic achievements. That year, in 1999, Republicans allowed only 34 judicial nominees of President Clinton to be confirmed all year, including only 7 circuit court nominees. Those are close to the average totals for the 6 years 1995–2000 when a Republican Senate majority was determining how quickly to consider the judicial nominees of a Democratic President. By contrast, with today's confirmation, the Senate this year will have confirmed 67 judicial nominees, including 12 circuit court nominees, almost double the totals for 1999.

These facts stand in stark contrast to the false partisan rhetoric that demonize the Senate for having blocked all of this President's judicial nominations. The reality is that the Senate is proceeding at a record pace and achieving

record numbers. We have worked hard to balance the need to fill judicial vacancies with the imperative that Federal judges need to be fair. In so doing, we have reduced the number of judicial vacancies to 41. More than 95 percent of the Federal judgeships are filled. After inheriting 110 vacancies when the Senate Judiciary Committee reorganized under Democratic control in 2001, I helped move through and confirm 100 of the President's judicial nominees in just 17 months. With the additional 67 confirmations this year, we have reached the lowest number of vacancies in 13 years. There are more Federal judges on the bench today than at any time in American history.

The nominee we vote on today is particularly suited to being the 167th judicial nominee confirmed, for Judge Dale Fischer was nominated after recommendation from a bipartisan selection commission in California. When we can work together on consensus nominations, they move quickly and successfully to confirmation. The nominee has the support of both home-State Senators, both Democrats, and has earned the unanimous support of all 19 Senators who are members of the Judiciary Committee, both Republicans and Democrats. She has significant judicial experience and received the highest peer review rating available. I am happy to support this nomination and congratulate the nominee and her family on her confirmation. I also comment Senator FEINSTEIN and Senator BOXER on maintaining a bipartisan selection process.

Mrs. BOXER. Mr. President, I am pleased to offer my support for the nominee for the Central District Court of California—Judge Dale Susan Fischer. Judge Fischer is well regarded by those who know her work.

I want to emphasize the excellent process that we have in place to select District Court nominees in California.

In a truly bipartisan fashion, the White House Counsel, Senator FEINSTEIN, and I worked together to create four judicial advisory committees for the State of California, one in each Federal judicial district in the State.

Each committee has a membership of six individuals—three appointed by the White House and three appointed jointly by Senator FEINSTEIN and me. Each member's vote counts equally, and a majority is necessary for recommendation of a candidate.

This nominee was reviewed by the Central District Committee and strongly recommended for this position. I continue to support this bipartisan selection process and the high quality nominees it has produced.

Judge Fischer has an impressive background and has served the people of California with distinction for several years. She is a graduate of Harvard Law School and the University of South Florida. She had extensive civil experience as a private attorney before she was appointed to the Los Angeles Municipal Court in 1997. She currently

sits on the Los Angeles Superior Court where she is well regarded for her knowledge of bail issues. She also serves as Chair of the Los Angeles Superior Court's Temporary Judge Committee, training and monitoring approximately 1000 temporary judges in Los Angeles County.

The Central District will benefit greatly from the exemplary service of Judge Fischer, and I fully support confirmation of this nominee.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Dale S. Fischer, of California, to be United States District Judge for the Central District of California?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. BUNNING) would vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. CORZINE), the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUE), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Maryland (Ms. MIKULSKI), are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. LAUTENBERG) would each vote "yea."

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 411 Ex.]

YEAS—86

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|-----------|-------------|-----------|
| Akaka | Collins | Grassley |
| Alexander | Conrad | Gregg |
| Allard | Cornyn | Hagel |
| Baucus | Craig | Harkin |
| Bayh | Crapo | Hatch |
| Bennett | Daschle | Hollings |
| Bingaman | Dayton | Hutchison |
| Bond | DeWine | Inhofe |
| Boxer | Dodd | Jeffords |
| Breaux | Dole | Johnson |
| Brownback | Domenici | Kennedy |
| Burns | Dorgan | Kyl |
| Byrd | Durbin | Landrieu |
| Campbell | Ensign | Leahy |
| Cantwell | Enzi | Levin |
| Carper | Feingold | Lincoln |
| Chafee | Feinstein | Lott |
| Chambliss | Fitzgerald | Lugar |
| Clinton | Frist | McCain |
| Cochran | Graham (FL) | McConnell |
| Coleman | Graham (SC) | Miller |

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|-------------|-------------|-----------|
| Murkowski | Roberts | Stabenow |
| Murray | Rockefeller | Stevens |
| Nelson (FL) | Sarbanes | Sununu |
| Nelson (NE) | Schumer | Talent |
| Nickles | Sessions | Voinovich |
| Pryor | Shelby | Warner |
| Reed | Smith | Wyden |
| Reid | Snowe | |

NOT VOTING—14

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|---------|------------|----------|
| Allen | Inouye | Mikulski |
| Biden | Kerry | Santorum |
| Bunning | Kohl | Specter |
| Corzine | Lautenberg | Thomas |
| Edwards | Lieberman | |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Kentucky.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators entitled to speak for up to 10 minutes each.

Mrs. BOXER. Mr. President, reserving the right to object, I did not hear what the unanimous consent request was.

Mr. MCCONNELL. I was just asking unanimous consent that the Senate proceed to a period of morning business, with Senators entitled to speak for up to 10 minutes each.

Mrs. BOXER. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

CALIFORNIA FOREST FIRES

Mrs. BOXER. Mr. President, I rise today with great anxiety about what is happening in my State. You can see here behind me the view of one of the fires that is burning from the vantage point of a fireman. These fires have become the worst wildfires Californians have seen in decades. In less than 1 week they burned nearly twice as many acres as are burned statewide in the average fire year.

The numbers in my statement today may already be obsolete. Things are moving that fast in terms of property damage, homes destroyed, and so on. The wildfires range from as far south as the Mexican border to as far north as Los Angeles and Ventura Counties. They have consumed a total of more than 400,000 acres or 625 square miles. To put that in perspective, that is three times the size of Chicago. The fires are devouring businesses and homes and sometimes entire neighborhoods. More than 900 homes have already been destroyed and perhaps 30,000 more are in danger. I know people are without electricity in areas throughout the State. Many are escaping with only the clothes on their backs, and families

have had no time to gather anything other than their loved ones as they flee from an inferno that engulfs everything it touches.

More than 50,000 people have been evacuated and the numbers continue to climb. Thirty-six evacuation centers have already been set up in the five county areas. I spent pretty much all of yesterday speaking to mayors and council members and county supervisors and to Governor Davis. I talked three times to the head of FEMA, and I spoke with Andrew Card, the President's chief of staff, who was most helpful. The message I had for the President, through Mr. Card, was: Please, move quickly, as quickly as you can, to declare a national disaster because without that, we simply cannot get these fires under control. It has taken a while, but in the last couple of hours we had our declaration.

This is very important because it means the Forest Service can now go beyond its budget, because its budget is limited, and contract with departments all over the country to bring in the help we need.

I have been through a lot of disasters in my State. I served on the board of supervisors of Marin County. I have seen fires and floods and earthquakes, and then, as a 10-year Congresswoman, I have seen all this. I have not seen anything to this degree where we still don't have our arms wrapped around this problem. We don't have the problem contained, whereas usually when we have these disasters, we are up here saying we need to set up the FEMA agencies where we can now go and have people get repaid and get loans for their businesses and homes, and we will do that in time. That is very important. But right now we need to put out the fires.

I thank Nevada and Arizona. They have helped. They have sent between 25 and 50 firetrucks with personnel to our State.

I will give you another look at San Diego. This is the harbor. You can see it just has the eeriest look to it. You can see the flames in the background.

We also want to say that we have received 50 tanker trucks, and 12 air tankers are coming tomorrow. This is all good news for the people of San Diego. Supervisor Jacob was at her wit's end yesterday because she was not getting enough help. The other areas, the mutual aid, seem to be working better, but San Diego came along afterwards, and I have been very worried about them.

The crown jewels of California's beautiful landscape, our beautiful forests, have been hurt. We are going to have legislation that will in fact allow us to do fuel reduction close to communities. It is very important, when we have a bill that relates to our forests, that we put the money where it is needed, which is near the communities, and that we make sure that what we do will in fact help the communities.

The bill we are talking about is the Forestry and Community Assistance

Act, written by Senator LEAHY and myself. There are other proposals. I hope we can come to an agreement that the time is now to help our communities and to provide the resources to help them, not the big logging people, because that is the fight we are always waging.

Air traffic across the Nation has been disrupted by these fires. Hundreds of flights in and out of southern California have been canceled or suspended. Our brave firefighters, more than 7,000, are frantically working in conjunction with the California Department of Forestry, the U.S. Forest Service, California Highway Patrol, the Red Cross, and now, happily, FEMA, which are very much involved to contain these fires.

Many are still raging out of control. I want to be back here as soon as I can to talk about how we can rebuild our communities. But today we are talking about fires that are raging out of control.

I thank White House Chief of Staff Andrew Card. I thank FEMA Director Michael Brown. I did try to call Tom Ridge. Unfortunately, he was out of the country, but I spoke with his people and again with many of the local people.

In closing, let me say that my heart is with the people of San Bernardino County where two major fires are burning: The Old fire—by the way, we think arson was to blame for that fire. I have written to the Attorney General and will call him in the hope that he will invite in the FBI to get to the bottom of who would do such a deed. The other fire in San Bernardino is the Old Fire, 24,000 acres. The Grand Prix is 52,000 acres. In San Diego, there were three major fires. Everyone is struggling to make sure they don't merge.

We do have 48,000 customers without power in San Diego. In Otay, 35,000 acres are burning. The Cedar Fire in San Diego has been the deadliest one: 9 deaths, 300 homes destroyed, 150 in Scripps Ranch. The Paradise Fire in San Diego: 160 structures were destroyed, 75 cars, 2 deaths, and so far not contained. In Los Angeles County, it is the Verdale Fire, 9,000 acres. In Ventura, there are two major fires, Simi Valley and Piru. We are very worried about those. And at Riverside, there is one major fire. The Governor has not yet asked for an emergency declaration in Riverside, but it may come to that. If it does, I am very hopeful that the President will act on that request as well because we have lost six homes in Riverside, and the size of the fire there is 11,000 acres.

This declaration by the President is welcome news for us.

We need to put aside all politics now. We have an outgoing Governor. We have an incoming Governor. We all have to just join hands in this because our people are scared. They are filled with anxiety. They want this over. They want to go on and rebuild their lives. I join with my colleague in expressing my condolences to those who